



**LAKES MANAGEMENT ADVISORY COMMITTEE**  
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services  
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
phone: 603-271-2959 fax: 603-271-7894  
e-mail: jcolburn@des.state.nh.us



**MEETING MINUTES**  
**June 23, 2006 Meeting**  
**DES Conference Room**  
**9:30 a.m. - 1:00 p.m.**

**Members present:**

Jim Haney, Ph.D., Chair  
Joanna Pellerin, Vice Chair  
Wendell Berry  
Joe Farrelly  
Ken Gallager  
Mark Hemmerlein  
Ken Jordan  
Mitchell E. Kalter  
Johanna Lyons  
James S. Morash  
Fred Murphy by phone  
Larry Sunderland  
Rich Tichko  
Kenneth P. Wilson

**Representing:**

Scientific Community, UNH  
State Conservation Committee  
NH Business and Industry Assn  
NH Lakes Association  
Office of Energy and Planning  
Commissioner, DOT  
NH Association of Realtors  
NH Fish & Game Commission  
Commissioner, DRED  
Tourism, NH Travel Council  
Member, Planning Board  
Conservation Community  
Exec. Dir., Fish & Game Dept.  
NH Marine Trades Association

**Term:**

August 22, 2007  
August 1, 2006  
July 8, 2007  
August 1, 2006  
Indefinite  
Indefinite  
June 27, 2008  
August 22, 2006  
Indefinite  
August 1, 2007  
August 1, 2008  
September 19, 2007  
Indefinite  
August 22, 2008

**Members not present:**

Mark Gallagher  
Marsha LaVallee Huntoon  
Vacant  
Vacant

Commissioner, DOS  
Conservation Commissions  
Elected Municipal Official  
Commissioner, Agr. Markets and Food

Indefinite  
August 22, 2007  
August 22, 2003  
Indefinite

**Staff Present**

Jacquie Colburn  
Paul Currier  
Laura Weit  
Darlene Forst  
Marie Loskamp

Lakes Coordinator, Watershed Management Bureau  
Administrator, Watershed Management Bureau  
Asst. Planner, Watershed Management Bureau  
Wetlands Bureau  
Executive Secretary Watershed Management Bureau

**The Meeting Was Called to Order**

Dr. Haney, Chairman, called the meeting to order at 9:30 a.m.

**I. Introductions/Minutes/Committee Business**

1) Meeting Minutes: May 19, 2006

- **Jody Pellerin made a motion to accept the minutes as presented. Johanna Lyons seconded the motion and the vote was unanimous.**

2) Committee Business

Travel Vouchers - Jacquie Colburn distributed travel vouchers to members eligible for reimbursement.

Stream Gage Task Force – LMAC representation and concerns and/or issues – Laura Weit  
The next meeting is scheduled for Monday, June 26<sup>th</sup> at 9:30 am. Fred Murphy is unable to attend that meeting.

- **Laura agreed to send out an email next week to include: 1) the purpose of the Stream Gage Task Force, and 2) prompting Committee members to forward any issues they would like addressed to Wayne Ives, Instream Flow Coordinator.**

Wayne Ives will submit the final report to the Legislature in November.

3) LMAC Meetings: 6/year with 2 lake visits

Meetings to Date: 1/27/06, 2/24/06, 3/24/06, 4/28/06, 5/19/06; 6/23/06

Next Meeting: July 28, 2006

Proposed Lake Visits:

July 28: Lake Winnisquam - Pontoon boat tour and a meeting prior to the tour.

September 22: North Country area lakes: York Pond and Lake Umbagog.

4) State Agency/Member Updates

Johanna Lyons - DRED

DRED has closed Clough State Park for the season as the water levels were not going down fast enough. DRED is acquiring land for a park up in Berlin on Jericho Lake. The children in Berlin will be naming the park but currently it is called the Berlin/Jericho project. Temple Mountain Land Acquisition – there will be public meetings in July in Peterborough to discuss acquisition of property at Temple Mountain for a ski area.

SB5 Committee – State Park Study Commission – Legislators set up a State Park Study Commission to discuss the state park situation. Johanna will be helping to coordinate a series of public meetings throughout the state. Does the LMAC have any recommendations that should be brought before the study commission?

Mark Hemmerlein - DOT

Mark received the Lakes Forum Action Items from Commissioner Murray and he will be working on that next. The LMAC and RMAC MOAs have been signed by Commissioner Murray and have been given to Laura Weit. DOT is starting their TMDL study on the western bay of Canobie Lake for the chloride TMDL. The surplus land inventory is one of the action items discussed at the Lakes Forum, and Mark will be checking with the Bureau of Right-of-Way within the month to determine its status.

Jacquie Colburn- DES

DES has already had four beach advisory postings for toxic algae, cyanobacteria, two waterbodies in Rindge, Lake Monomonac and Pearly Pond: French's Pond in Henniker; and Showells Pond in Sandown.

Jim Haney - UNH

This is the year to test models, if we are interested in looking at runoff and the effect precipitation will have on water quality, this will be a point that will be above the norm, or maybe it is looking at a new direction. Some evidence is coming in now that it is going to be a supercharged year.

Joe Farrelly- NHLA

Andrea LaMoreaux from DES VLAP was on my lake yesterday doing water sampling and typically our water clarity is between 7 and 7.5 meters and yesterday it was 3.25 meters. Water clarity is horrible.

5) Future Agenda Items

SPNHF - New Hampshire's Changing Landscape

DES - Sprawl and Water Quality

PSU - Impervious Surface and Water Quality; have Steve Kahl do a presentation this fall

II. Lakes Forum (Fred Murphy by telephone)1) Review and Discuss Action Items – Jacquie Colburn

There were nine action items that were brought forward by members of the LMAC at the Lakes Forum. Commissioner Nolin and Chairman Haney cosigned a letter to all state agencies and organizations who attended the Lakes Forum. The letter included a copy of the *Current and Critical Topics and Important Issues Discussed at the Lakes Forum*. Each state agency or organization was asked to prioritize the action items and include additional information on those action items that representatives from their agency or organization raised at the Lakes Forum.

- **The LMAC voted to determine the prioritization of the nine action items as follows: #1 surplus land with 11 votes, #2 Public Trust and #2 carrying capacity each with 10 votes, and #3 toxic algae with nine votes.**

The Committee then continued to expand the information for each of the priority action items.

**#1 – Surplus Land - Actions Underway:**

The LMAC and the RMAC MOAs for surplus land disposals (purchased with federal and/or highway funds) have been signed.

The LMAC submitted a position paper to the Governor's Office in May 2006 regarding disposal of state-owned waterfront land. There is a dire need for the process to be revisited and improved.

**Proposed actions:** The LMAC should write a letter to the AG's office asking for a response to the letter sent in November 2005 with a cc to the Governor's office as there has been no response.

The LMAC should work with the RMAC, DOT, and PWAAB to revise the process.

**Other Information:** CORD only has an advisory role in the process.

- **Laura will forward copies of the RMAC's SLR policy and checklist to the LMAC.**
- **If another state agency recommends against disposal of a parcel, then that state agency should add a proposed use of the property, to #1.**
- **Motion made by Joe Farrelly seconded by Jody Pellerin to send a letter to AG with cc to Governor's office requesting a response to our letter of 9/2005 as we need this information.** The RMAC and DOT are also waiting for a response from the AG's office. **HOLD MOTION until we are in the surplus land reviews portion of the agenda.**

**#2 – Public Trust** - Public Trust is a common law document created by court cases. Basically, public waters are held in trust by the State for certain uses.

**Proposed Action:** Invite Jennifer Patterson to give a presentation to the LMAC.

**#3 – Carrying Capacity** – Tied with Public Trust for #2. This topic should include other related issues such as lake levels.

**Proposed Actions:** There is a new person starting at UNH, Dept. of Natural Resources in August with expertise regarding the application of the Water Recreation Opportunity Spectrum. We should invite him and Lori Siegel, part time Eco-Risk Assessor for DES, to give the LMAC a presentation. Ask Lori to focus on human issues and other aspects such as loons, fish and boating use.

The NH Lakes Association has submitted a proposal to Senator Gregg to fund a carrying capacity study for Lake Winnepesaukee, a system dynamics model for lakes. Is there a way to put these two models together or do they remain separate?

**#4 – Toxic Algae – Proposed Action:** Send letter to Commissioner Nolin by August 1<sup>st</sup> to develop a task force and to include one LMAC member on the task force.

- 2) Review and Discuss Lakes Management Criteria Spreadsheet
  - **Laura will send out an email to LMAC members requesting which recommendations from the 1996 Lakes Management Criteria for NH State Agencies they feel can and should be quickly implemented.**

### **III. Surplus Land Reviews**

- 1) Status of Requests & MOA – Jacquie Colburn

The MOA between the LMAC and DOT has been signed by Commissioner Murray.

Ann Corr is the property owner who submitted a request to DOT to lease 75' of frontage on Mascoma Lake in Enfield, NH. In March, the LMAC voted (5 to 4) to recommend against disposal. DOT has not moved forward with the proposal and forwarded the LMAC letter to Mrs. Corr. Mrs. Corr called Jacquie and asked if there was an opportunity for reconsideration; Jacquie told her that she could come and talk to the committee about its decision. Per the request of Mrs. Corr, Jacquie mailed copies of the LMAC policy statement and checklist.

Several committee members pointed out that the public does not have the right to speak at a public meeting unless they are recognized by the Chair. Other committee members said that representatives from 18 Mile Point addressed the LMAC at a previous meeting. It was noted that the representatives from 18 Mile Point attended the meeting for exactly that purpose.

Concern was expressed regarding the establishment of an appeal process. Since DOT sent the letter to the Corr's indicating that the request was denied, some Committee members felt that if an appeal process was established the applicant should go through DOT not the LMAC. If the LMAC does set up an appeal process, it should be a formal process. The validity of the entire process which the LMAC has in place could be questioned. If a landowner is unhappy with our decision maybe the whole issue will end up in court.

- 2) SLR 06-006 Meredith

According to the CORD packet of information, Paul E. and Emilette Beaudoin have requested permission from DOT to lease 75 feet of lakefront on Lake Waukegan for the purpose of constructing a dock and pedestrian crossing.

Johanna Lyons pointed out the CORD packet contained a letter from Paul Beaudoin addressed to Christopher Morgan, Administrator of the NH DOT Bureau of Rails and Transit. This letter indicated that the Beaudoin's would like permission to install a small set of wooden stairs to access the water for swimming and at some point possibly the installation of a dock. Johanna felt that the request should only be for the installation of the stairs, which would require 6 ft rather than 75 ft for the installation of the dock.

Jacquie advised the committee that the Waukegan Watershed Advisory Committee has sent a letter to the Meredith Board of Selectmen expressing their concerns relative to surplus land reviews and that the Meredith Conservation Commission had discussed this surplus land review at a recent meeting.

Bud Berry pointed out that the Committee needs to be consistent with its decision making process. Darlene Forst suggested that deed research should be done to determine whether or not access to cross the railroad corridor is included in their deed.

- **Jody Pellerin made a motion to recommend against disposal, since the request is too aggressive for the intended use. Joe Farrelly seconded the motion. The vote passed: 7 ayes to 3 nays.**

3) DOT 06-005: Holderness

Squam Lake Tours is currently leasing 5,900 square feet located adjacent to the northerly side line of US Route 3 and NH Route 25 and has requested to purchase this parcel from DOT. There are several other leases along this same highway corridor and DOT would like the LMAC to review these as well.

- **Motion by Jim Morash to recommend disposal of 5,900 square feet located outside the northerly side line of US Route 3 and NH Route 25. Kenneth Jordan seconded, and after much discussion the vote was unanimous to allow DOT dispose of this parcel.**

For the remaining lots along this same highway corridor, DOT would like to approach lessees and ask them if they would like to purchase the property. These lots are very similar to the Squam Lake Tours parcel. The area does not involve waterfront, it is part of what was once Route 3. Disposal would allow local planning and zoning commissions more leverage regarding land use. The total length of the area is approximately 1,750 feet.

Ken Wilson expressed concern against reviewing the entire strip, since this may set up a different process for DOT. Johanna Lyons stated that this type of approach, looking at an entire strip of land rather than parcel by parcel, was more in line with taking a watershed approach. Jacque added that she is very familiar with the area. The entire area is fairly level with some gradual change in elevation as the road bends around the corner. She also indicated that the information already in the checklist would be consistent for the entire area. Joe Farrelly expressed his concern that if the LMAC reviewed this parcel without receiving a separate packet of information that it would circumvent the procedure.

- **Motion by Jim Morash to recommend disposal for the entire portion of the old US Route 3 and Route 25 highway easement located outside the northerly side line of the US Route 3 and NH Route 25. Ken Jordan seconded the motion. The vote passed: 8 ayes and 2 nays.**

**IV. SPA White Paper**1) Review and Discuss Draft Paper

Mitch Kalter and Joe Farrelly presented the draft document to the committee. They based the recommendations on the premise that we are never going to get what we ask for, so we're asked for more than what we expect to get. The committee discussed the draft and offered several edits and revisions. After much discussion, the committee agreed to a final document and asked that it be sent along with a cover letter to Representative Currier, Chairman of the Comprehensive Shoreland Protection Act Commission.

- **Jody Pellerin made a motion to put forth the white paper as modified, seconded by Jim Morash, the vote was unanimous.**

**V. Other Items and/or Issues – Hold until the next meeting.**

- 1) LMPP/LMAC Statute Review and Priorities for 2006
- 2) Other Items/Issues

**The meeting adjourned at 1:55 p.m.**